IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.4792 OF 2006

1.Bango Undru Tarne, since deceased,
through L.Rs
1.1 Smt Manubai Bango Tarne and ors .. Petitioners
Vs
1. Shri Kalu Baboo Tarn and ors. Respondents

Mr A.R.Pitale, for the petitioners.

CORAM : D.B.BHOSALE,J.
DATE : 11.10.2006

PC:

1. Heard the learned counsel for the petitioners. None appears for the respondents, though served.

2. Rule. Returnable forthwith. By consent, rule is heard finally.

3. The petitioner in the present petition has impugned the following order.

> "Perused application and say. Heard the Ld.advocates of both the sides. After going through the order dated 06.04.2005 of the Hon'ble High Court, Bombay in Writ Petition No.215 of 2005 it is clear that eight weeks time was granted to carry out the amendment and to file the additional written statement. If this application is allowed it will amount to breach of the order of the Hon'ble High Court, Bombay as the Defendants have failed to file their additional written statement within eight weeks of the Order of the Hon'ble High Court, Bombay. Hence, the application is rejected. No order as to cost".

It appears that this court, while disposing of writ

petition no. 215 of 2005 on 6.4.2005, had allowed the petitioners-defendants to file additional written statement within eight weeks from the date of the order. The petitioners-defendants did not file the additional written statement within the time stipulated by this court. Hence, they filed the application dated 16.8.2005 seeking extension of time to file additional written statement. I perused the application. For the reasons stated in the application, I am inclined to extend the time for filing additional written statement, as prayed for in the application subject to payment of cost of Rs.500/- to be paid to the respondent-plaintiff. Mr.Pital, learned counsel for the petitioners, submits that the petitioners have already placed additional written statement on record, being Exhibit 142. Hence, I pass the following order.

(i) The impugned order is set aside. The application at Exhibit-141 stands restored to file and it is allowed. The additional written statement be taken on file subject to payment of cost of Rs.500/- to be paid to the respondent-plaintiff within two weeks from the date of receipt of this order. The rule is accordingly disposed of.

(D.B.BHOSALE,J.)